

Act of July 11, 1916, Ch. 241, 39 Stat. L. 355.

"An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes."

Sec. 1. (Rural post roads—federal aid—freedom from tolls.) That the Secretary of Agriculture is authorized to cooperate with the States, through their respective State highway departments, in the construction of rural post roads; but no money apportioned under this Act to any State shall be expended therein until its legislature shall have assented to the provisions of this Act, * * *. The Secretary of Agriculture and the State highway department of each State shall agree upon the roads to be constructed therein and the character and method of construction: *Provided*, That all roads constructed under the provisions of this Act shall be free from tolls of all kinds.

Sec. 2. (Definitions—"rural post roads"—State highway department"—"construction"—"properly maintain.") * * *; the term "construction" shall be construed to include reconstruction and improvement of roads; "properly maintained" as used herein shall be construed to mean the making of needed repairs and the preservation of a reasonably smooth surface considering the type of the road; but shall not be held to include extraordinary repairs, nor reconstruction; necessary bridges and culverts shall be deemed parts of the respective covered by the provisions of this Act. * * *.

Sec. 6. (Project statements, etc.—Submission by States—approval—payment of money apportioned.) That any State desiring to avail itself of the benefits of this Act shall, by its State highway department, submit to the Secretary of Agriculture project statements setting forth proposed construction of any rural post road or roads therein. If the Secretary of Agriculture approve a project, the State highway department shall furnish to him such surveys, plans, speci-

fications, and estimates therefor as he may require: *Provided, however,* That the Secretary of Agriculture shall approve only such projects as may be substantial in character and the expenditure of funds hereby authorized shall be applied only to such improvement. * * *

When the Secretary of Agriculture shall find that any project so approved by him has been constructed in compliance with said plans and specifications he shall cause to be paid to the proper authority of said State the amount set aside for said project; *Provided, * * **. The construction work and labor in each State shall be done in accordance with its laws, and under the direct supervision of the State highway department subject to the inspection and approval of the Secretary of Agriculture and in accordance with the rules and regulations made pursuant to this Act.

* * *

Sec. 7. (Maintenance of roads.) To maintain the roads constructed under the provisions of this Act shall be the duty of the State, or their civil subdivisions, according to the laws of the several States. If at any time the Secretary of Agriculture shall find that any road in any State constructed under the provisions of this Act is not being properly maintained he shall give notice of such facts to the highway department of such State and if within four months from the receipt of said notice said road has not been put in a proper condition of maintenance then the Secretary of Agriculture shall thereafter refuse to approve any project for road construction in said State, or the civil subdivision thereof, as the fact may be, whose duty it is to maintain said road, until it has been put in a condition of proper maintenance. * * *

Sec. 10. (Rules and regulations.) That the Secretary of Agriculture is authorized to make rules and regulations for carrying out the provisions of this Act.

Sec. 11. (Time of taking effect of Act.) That this Act shall be in force from the date of its passage."

Act of Feb. 28, 1919, ch. 69, 40 Stat. L. 1189.

(Act of making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1920, and for other purposes).

Sec. 6. (Rural post roads—federal aid—appropriation—apportionment—preference in employment of labor.) That for the purpose of carrying out the provisions of said Act, as herein amended, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the following additional sums: The sum of \$50,000,000 for the fiscal year ending June 30, 1919, and available immediately; the sum of \$75,000,000 for the fiscal year ending June 30, 1920; and the sum of \$75,000,000 for the fiscal year ending June 30, 1921; said additional sums to be expended in accordance with the provisions of said Act: *Provided*, That where the constitution of any State prohibits the same from engaging upon internal improvements, or from contracting public debts for extraordinary purposes in an amount sufficient to meet the monetary requirements of the Act of July 11, 1916, or any Act amendatory thereof, or restricts annual tax levies for the purpose of constructing and improving roads and bridges, and where a constitutional alteration or amendment to overcome either or all of such prohibitions must be submitted to a referendum at a general election, the sum to which such State is entitled under the method of apportionment provided in the Act of July 11, 1916, or any Act amendatory thereof, shall be withdrawn by the Secretary of the Treasury from the principal fund appropriated by the Act of July 11, 1916, or any Act amendatory thereof, upon receipt of the certification of the governor of such State to the existence or either or all of said prohibitions, and such sum shall be carried by the Secretary of the Treasury as a separate fund for future disbursement as herein provided: *Provided further*, that when, by referendum, the constitutional alterations or amendments necessary to the enjoyment of the sum so withdrawn have been approved and

ratified by any State, the Secretary of the Treasury, upon receipt of certification from the governor of such State to such effect, shall immediately make available to such State, for the purposes set forth in the Act of July 11, 1916, or any Act amendatory thereof, the sum withdrawn as hereinbefore provided: *Provided further*, That nothing herein shall be deemed to prevent any State from receiving such portion of said principal sum as is available under its existing constitution and laws: *Provided further*, That in the expenditure of this fund for labor preference shall be given, other conditions being equal, to honorably discharged soldiers, sailors, and marines, but any other preference or discrimination among citizens of the United States in connection with the expenditure of this appropriation is hereby declared to be unlawful.

Act of July 2, 1918.

“An Act Making appropriations for the service of the Post Office Department for the fiscal year ending June thirtieth, nineteen hundred and nineteen, and for other purposes.”

Sec. 7. (TRANSPORTATION OF FOOD PRODUCTS—MOTOR VEHICLE TRUCK ROUTES.)

That to promote the conservation of food products and to facilitate the collection and delivery thereof from producer to consumer, and the delivery of articles necessary in the production of such food products to the producers in the production of such food products to the producers, the Postmaster General is hereby authorized to conduct experiments in the operation of motor-vehicle truck routes in the vicinity of such cities of the United States as he may select, and under such rules and regulations as he may prescribe, and the cost of such experiments, not exceeding \$300,000, may be paid by the Postmaster General out of any unexpended appropriations of the Postal Service, and the Postmaster General shall report the result of such experiments to the Congress at the earliest practicable date.

Act of November 9, 1921, Ch. —, — Stat. L. —.

“An Act To amend the Act entitled “An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes,” approved July 11, 1916, as amended and supplemented, and for other purposes.”

Sec. 2. (Terms used in Act defined.) That, when used in this Act, unless the context indicates otherwise—

The term “Federal Aid Act” means the Act entitled “An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes,” approved July 11, 1916, as amended by sections 5 and 6 of an Act entitled “An Act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1920, and for other purposes,” approved February 28, 1919, and all Acts amendatory thereof or supplementary thereto.

The term “highway” includes rights of way, bridges, drainage structures, signs, guard rails, and protective structures in connection with highways, but shall not include any highway or street in a municipality having a population of two thousand five hundred or more as shown by the last available census, except that portion of any such highway or street along which within a distance of one mile the houses average more than two hundred feet apart.

The term “State highway department” includes any State department, commission, board, or official having adequate powers and suitably equipped and organized to discharge to the satisfaction of the Secretary of Agriculture the duties herein required.

The term “maintenance” means the constant making of needed repairs to preserve a smooth surfaced highway.

The term “construction” means the supervising, inspecting, actual building, and all expenses incidental

to the construction of a highway, except locating, surveying, mapping, and costs of rights of way.

The term "reconstruction" means a widening or rebuilding of the highway or any portion thereof to make it a continuous road, and of sufficient width and strength to care adequately for traffic needs.

The term "forest roads" means roads wholly or partly within or adjacent to and serving the national forests.

The term "State funds" includes for the purpose of this Act funds raised under the authority of the State, or any political or other subdivision thereof, and made available for expenditure under the direct control of the State highway department.

Sec. 6. (Projects receiving Federal aid—approved by Secretary of Agriculture.) That in approving projects to receive Federal aid under the provisions of this Act the Secretary of Agriculture shall give preference to such projects as will expedite the completion of an adequate and connected system of highways, interstate in character.

Before any projects are approved in any State, such State, through its State highway department, shall select or designate a system of highways not to exceed 7 per centum of the total highway mileage of such State as shown by the records of the State highway department at the time of the passage of this Act.

Upon this system all Federal-aid apportionments shall be expended.

Highways which may receive Federal aid shall be divided into two classes, one of which shall be known as primary or interstate highways, and shall not exceed three-sevenths of the total mileage which may receive Federal aid, and the other which shall connect or correlate therewith and be known as secondary or intercounty highways, and shall consist of the remainder of the mileage which may receive Federal aid.

The Secretary of Agriculture shall have authority to approve in whole or in part the systems as designated or to require modifications or revisions thereof: *Provided*, That the States shall submit to the Secretary of Agriculture for his approval and proposed revisions of the designated systems of highways above provided for.

Not more than 60 per centum of all Federal aid allotted to any State shall be expended upon the primary or interstate highways until provision has been made for the improvement of the entire system of such highways: *Provided*, That with the approval of any State highway department the Secretary of Agriculture may approve the expenditure of more than 60 percentum of the Federal aid apportioned to such State upon the primary or interstate highways of such State.

The Secretary of Agriculture may approve projects submitted by the State highway departments prior to the selection, designation, and approval of the system of Federal-aid highways herein provided for if he may reasonably anticipate that such projects will become a part of such system.

Whenever provision has been made by any State for the completion and maintenance of a system of primary * * *

Sec. 8. (Types of surface and kinds of materials for construction, etc., of Federal aid roads.) That only such durable types of surface and kinds of materials shall be adopted for the construction and reconstruction of any highway which is a part of the primary or interstate and secondary or intercounty systems as will adequately meet the existing and probable future traffic needs and conditions thereon. The Secretary of Agriculture shall approve the types and width of construction and reconstruction and the character of improvement, repair, and maintenance in each case, consideration being given to the type and character

which shall be best suited for each locality and to the probable character and extent of the future traffic.

Sec. 9. (Freedom from tolls on Federal aid roads—width of roads.) That all highways constructed or reconstructed under the provisions of this Act shall be free from tolls of all kinds.

That all highways in the primary or interstate system constructed after the passage of this Act shall have a right of way of ample width which shall not be less than eighteen feet, unless, in the opinion of the Secretary of Agriculture, it is rendered impracticable by physical conditions, excessive costs, probable traffic requirements, or legal obstacles.

Sec. 11. (Surveys, plans, specifications, and estimates—approval—setting aside state's share of Federal fund—public land states.)

That any State having complied with the provisions of this Act, and desiring to avail itself of the benefits thereof, shall by its State highway department submit to the Secretary of Agriculture project statements setting forth proposed construction or reconstruction or any primary or interstate, or secondary or inter-county highway therein. If the Secretary of Agriculture approve the project, the State highway department shall furnish to him such surveys, plans, specifications, and estimates therefor as he may require; items included for engineering, inspection, and unforeseen contingencies shall not exceed 10 per centum of the total estimated cost of its construction.

That when the Secretary of Agriculture approves such surveys, plans, specifications, and estimates, he shall notify the State highway department and immediately certify the fact to the Secretary of the Treasury. The Secretary of the Treasury shall thereupon set aside the share of the United States payable under this Act on account of such projects, which shall not exceed 50 per centum of the total estimated cost thereof,

Sec. 12. (State highway department—supervision of work on Federal aid road—approval by Secretary of Agriculture.) That the construction and reconstruction of the highways or parts of highways under the provisions of this Act, and all contracts, plans, specifications, and estimates relating thereto, shall be undertaken by the State highway departments subject to the approval of the Secretary of Agriculture. The construction and reconstruction work and labor in each State shall be done in accordance with its laws and under the direct supervision of the State highway department, subject to the inspection and approval of the Secretary of Agriculture and in accordance with the rules and regulations pursuant to this Act.

Sec. 13. (Payments to State on account of construction, etc., of Federal aid roads—how and when made.) That when the Secretary of Agriculture shall find that any project approved by him has been constructed or reconstructed in compliance with said plans and specifications, he shall cause to be paid to the proper authorities of said State the amount set aside for said project. * * *

Sec. 14. (Failure of state to maintain Federal aid road—duty of Secretary of Agriculture.) That should any State fail to maintain any highway within its boundaries after construction or reconstruction under the provisions of this Act, the Secretary of Agriculture shall then serve notice upon the State highway department of that fact, and if within ninety days after receipt of such notice said highway has not been placed in proper condition of maintenance, the Secretary of Agriculture shall proceed immediately to have such highway placed in proper condition of maintenance and charge the cost thereof against the Federal funds allotted to such State, and shall refuse to approve any other project in such State, except as hereinafter provided. * * *

Sec. 18. (Rules and regulations by Secretary of Agriculture—recommendations.) That the Secretary of Agriculture shall prescribe and promulgate all needful rules and regulations for the carrying out of the provisions of this Act, including such recommendations to the Congress and the State highway departments as he may deem necessary for preserving and protecting the highways and insuring the safety of traffic thereon.

Sec. 19. (Reports to Congress.) That on or before the first Monday in December of each year the Secretary of Agriculture shall make a report to Congress, which shall include a detailed statement of the work done, the status of each project undertaken, the allocation of appropriations, and itemized statement of the expenditures and receipts during the preceding fiscal year under this Act, an itemized statement of the traveling and other expenses, including a list of employees, their duties, salaries, and traveling expenses, if any, and his recommendations, if any, for new legislation amending or supplementing this Act. The Secretary of Agriculture shall also make such special reports as Congress may request.

Sec. 20. (Moneys available for carrying out provisions of Act.) That for the purpose of carrying out the provisions of this Act there is hereby appropriated, out of the moneys in the Treasury not otherwise appropriated, \$75,000,000 for the fiscal year ending June 30, 1922, \$25,000,000 of which shall become immediately available, and \$50,000,000 of which shall become available January 1, 1922.

Sec. 21. (Expenditures for administering provisions of act and for research work—deduction from appropriation—apportionment of remainder to states—ratio of apportionment.) That so much, not to exceed $2\frac{1}{2}$ per centum, of all moneys hereby or hereafter appropriated for expenditure under the provis-

ions of this Act, as the Secretary of Agriculture may deem necessary for administering the provisions of this Act and for carrying on necessary highway research and investigational studies independently or in cooperation with the State highway departments and other research agencies, and for publishing the results thereof, shall be deducted for such purposes, available until expended.

Act of June 19, 1922, ch. 227, 193, — Stat. L.—

Sec. 4. (Rural Post Roads—“Federal Highway Act”—appropriations.) That for the purpose of carrying out the provisions of the Act entitled “An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes, “approved June 11, 1916, and all Acts amendatory thereof and supplementary thereto, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the following additional sums, all such sums to be expended in accordance with the provisions of such Act:

The sum of \$50,000,000 for the fiscal year ending June 30, 1923,

The sum of \$65,000,000 for the fiscal year ending June 30, 1924,

The sum of \$75,000,000 for the fiscal year ending June 30, 1925.

Par. 6. (False statements and representations concerning projects under “Federal Highway Act”—penalty.) If any officer, or employee of the United States, or any other officer, agent, or employee of any State or Territory, or any person, association, firm, or corporation or any officer or agent of any person, association, firm, or corporation shall knowingly make any false statement, false representation, or false report as to the character, quality, quantity, or cost of the material used or to be used, or the quantity or quality of the work performed, or the costs thereof in connection with the submission of plans, maps, specifications, contracts, or costs of construction of any project submitted for approval to the Secretary of Agriculture under the provisions of the Federal Highway Act, or shall knowingly make any false statement, false representation, or false report or claim for work or materials for the construction of any project approved by the Secretary of Agriculture

under said Federal Highway Act and all amendments thereto, or shall knowingly make any false statement or false representation in any report required to be made under said Federal Highway Acts supplementary thereto with the intent to defraud the United States shall, upon conviction thereof, be punished by imprisonment not to exceed five years or by a fine not to exceed \$10,000, or by both fine and imprisonment within said limits, (42 Stat. L. 661.)

Act of Feb. 12, 1925, ch. 219, 43 Stat. L. 889.

An Act to amend the Act entitled "An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes.

Sec. 1. (Rural post roads—appropriation—apportionment—Act of July 11, 1916 amended.) That for the purposes of carrying out the provisions of the Act entitled "An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, and all Acts amendatory thereof and supplementary thereto, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the following sums, to be expended according to the provisions of such Act as amended:

The sum of \$75,000,000 for the fiscal year ending June 30, 1926;

The sum of \$75,000,000 for the fiscal year ending June 30, 1927.

Immediately upon the passage of this Act and thereafter not later than January 1, of each year, the Secretary of Agriculture is authorized to apportion among the several States, as provided in section 21 of the Federal Highway Act approved November 9, 1921, the \$75,000,000 herein authorized to be apportioned for the fiscal year ending June 30, 1926, and on or before January 1, next preceding the commencement of each succeeding fiscal year he shall make like apportionment of the appropriation herein authorized, or which may be hereafter authorized, for each fiscal year; *Provided*, That the Secretary of Agriculture shall act upon projects submitted to him under his apportionment of this authorization, and his approval of any such project within three years shall be deemed a contractual obligation of the Federal Government for the payment of its proportional contribution thereto.

Act of June 22, 1926

An Act to amend the Act entitled "An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes.

BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED, That for the purposes of carrying out the provisions of the Act entitled "An Act to provide that the United States shall aid the States in the construction of rural post roads and for other purposes," approved July 11, 1916, and all Acts amendatory thereof and supplementary thereto, there is hereby authorized to be appropriated, the following additional sums, to be expended according to the provisions of such Act as amended:

The sum of \$75,000,000 for the fiscal year ending June 30, 1928,

The sum of \$75,000,000 for the fiscal year ending June 30, 1929.

Sec. 2. For carrying out the provisions of section 23 of the Federal Highway Act, approved November 9, 1921, there is hereby authorized to be appropriated for forest roads and trails, out of any money in the Treasury not otherwise appropriated, the following additional sums, to be available until expended in accordance with the provisions of said section 23.:

The sum of \$7,500,000 for the fiscal year ending June 30, 1928,

The sum of \$7,500,000 for the fiscal year ending June 30, 1929.

Not later than January 1 next preceding the commencement of each fiscal year the Secretary of Agriculture is authorized to apportion among the several

States the appropriations heretofore, herein, or hereafter made or authorized to be made as provided in section 23 of the Federal Highway Act approved November 9, 1921.

Sec. 3. That in any State where the existing constitution or laws will not permit the State to provide revenues for the construction, reconstruction, or maintenance of highways, the Secretary of Agriculture shall continue to approve projects for said State for the period covered by this Act if he shall find that said State has complied with the provisions of this Act in so far as its existing constitution and laws will permit.

Sec. 4. All Acts or parts of Acts in any way inconsistent with the provisions of this Act are hereby repealed, and this Act shall take effect on its passage.

Act of February 16, 1917, ch. 175 of Gen. L. of Oregon, 1917

"An Act to accept the benefits of the Act passed by the sixty-fourth Congress of the United States, entitled "An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," and to provide for the issuance of bonds of the State of Oregon to raise such money as may be required to meet the requirements of said Federal statute, and to authorize the State Board of Control to take action and to perform such duties as may be necessary to meet the requirements of said Federal Act and Federal officials acting under said Act."

"Section 1. That the State of Oregon hereby accepts the provisions of said Act and agrees to co-operate with the Federal Government in carrying out the provisions thereof.

Section 3. The State board, commissioners or officers having control of the State highway in the State of Oregon are hereby authorized, empowered and directed to enter into such contracts, appoint such officers and do any other act or thing necessary to fully meet the requirements of the United States and the officers acting under said Federal statute."

Act of January 9, 1926, ch. 237 of Gen. L. of Oregon,
1917

"An Act to provide a general system of construction, improvement and repair of State highways and for the administration and operation thereof, and repealing Chapter 229 of the General Laws of Oregon for 1913, and Chapter 337 of the General Laws of Oregon for 1915, and declaring an emergency.

ARTICLE II.

THE HIGHWAY COMMISSION; POWERS; DUTIES

Section 5. POWERS AND DUTIES OF COMMISSION. Said Commission shall have the power to carry out the provisions of this Act, and its duties shall be such as are provided herein. Said Commission shall designate, construct or cause to be constructed a system of State highways within the State of Oregon, which highways shall be designated by number, and by the point of beginning and terminus thereof. That the legislature of the State of Oregon hereby assents to the provisions of the Act of Congress, approved July 11, 1916, entitled "An Act to provide that the United States shall aid the states in the construction of rural post roads, and for other purposes" (39 U. S. Statutes at Large, page 355). The State Highway Department is hereby authorized to enter into all contracts and agreements with the United States Government relating to the survey, construction or improvement and maintenance of roads under the provisions of the said Act of Congress, to submit such scheme or program of construction or improvement and maintenance as may be required by the Secretary of Agriculture, and do all other things necessary fully to carry out the co-operation contemplated and provided for by the said Act. For the construction or improvement and maintenance of rural post roads the good faith of the State is hereby pledged to make available funds sufficient to equal the funds apportioned to the State by or under the United States Government during each of the five years for which Federal funds are appropriated by Section 3 of the said Act, and to maintain the roads constructed or improved with the aid of funds so appropriated, and to make adequate provisions for carrying out such maintenance. The good faith of the State is further pledged to make available funds at least sufficient when combined with the funds made or to be made by the sev-

eral counties to equal the sum apportioned to the State by the Secretary of Agriculture under the rules and regulations approved by him for carrying out Section 8 of the Act of Congress; *provided*, that funds made so available from the State Highway Fund shall be spent only upon the highways comprising the system of State roads, and the good faith of the State is further pledged to maintain such roads and to make adequate provisions for carrying out such maintenance, and other Acts of Congress for similar purposes."

Act of February 21, 1917, Ch. 432 of the Gen. L. of
Oregon 1917

"An Act to provide for the construction of roads and highways in the State of Oregon; to provide for the issuance of bonds by the State of Oregon to raise money to carry out the purposes of this Act; to authorize the State highway commission to take such action and perform such duties as may be necessary to meet the requirements of this Act; to designate and authorize the construction of certain hard-surfaced highways and certain post roads and certain forest roads, and to provide for other post roads and forest roads; to provide for the letting of contracts for the construction, paving and maintenance of roads and highways; to make the surplus arising from the fees collected under House Bill No. 509 of the present legislative session a fund under the jurisdiction of the State Highway Commission with which to pay interest and principal on bonded indebtedness of the State, contracted by the State for road purposes, and other lawful claims incurred by said Commission, and to provide for modifying the terms of House Bill No. 21 passed by the Twenty-ninth Legislative Assembly of the State of Oregon, and to provide for submitting this Act to the people and for the calling for a special election therefor, and declaring an emergency." * * * * .

"Section 6. The highways described in Sections 6 and 7 of this Act are hereby determined to be the highways of first importance to the general public of the State of Oregon. It is hereby determined that the following highways should be permanently constructed and finished with a hard surface:

1. The Columbia River Highway from the Multnomah County line to Astoria, Seaside, and south in Clatsop County to the Tillamook County line. Inasmuch as the counties of Columbia and Clatsop have already expended large sums of money in constructing the said Columbia Highway through said counties and in doing so have practically exhausted their abili-

ty to raise money by an issuance of county bonds, the State Highway Commission is hereby authorized, from the funds arising under this Act, in addition to paving said highway, to use from said funds sufficient to provide for the preparation of said highway through said counties for the paving thereof.

4. Such portions of the Columbia River Highway between the Multnomah County line Easterly through the City of Hood River and Hood River County and through The Dalles and Wasco County,; thence up the Umatilla River through Hermiston, Stanfield, Echo and Pendleton, and thence by such route as shall be determined by the State highway commission to La Grand, Baker, and to the Idaho line, as the county courts of the various counties affected shall agree to prepare the road ready for paving. *Provided*, that inasmuch as the County of Hood River has raised by a bond issue and expended upon said Columbia River Highway practically its full constitutional limit said Commission may expend on said Columbia River Highway in Hood River County, such portion of the money arising under this Act as it may deem proper in preparing said Columbia River Highway for paving.

6. Commencing on the Columbia River Highway at or near Arlington in Gilliam County, thence up Willow Creek in Morrow County, through the Cities of Jone, Lexington and Heppner in Morrow County and through Pilot Rock, Pendleton, Adams, Athena, Weston, Milton and Freewater in Umatilla County to the Oregon and Washington State line."

Oregon Motor Vehicle Law, Chapter 37, Laws 1921

(As amended by Laws enacted by the Special Session of the Legislative Assembly in 1921 and by the Regular session in 1923)

"An Act providing for regulating the use, registration, licensing, taxing, identification, conduct and operation of vehicles and bicycles in the state of Oregon, and for the protection of same; the registration and licensing of persons operating same; providing for punishment for violation of this act; prohibiting the unauthorized use or possession of a vehicle; limiting the authority of cities and towns on subjects concerned with said vehicles and bicycles; providing for the disposition of funds derived from operation of this act, and repealing sections 2223-1, 4768, 4769, 4770, 4771, 4772, 4773, 4774, 4775, 4776, 4777, 4778, 4779, 4780, 4781, 4782, 4783, 4784, 4785, 4786, 4787, 4788, 4789, 4790, 4791, 4792, 4793, 4794, 4795, 4796, 4797, 4798, 4799, 4800, 4801, 4802, 4803, 4804, 4805, 4806, 4807, 4808, 4809, 4810, 4811, 4812, 4813, and 4814, Oregon Laws and all other acts and parts of acts in conflict herewith."

Section 1. DEFINITION OF TERMS. * * *

4. The term "hard surfaced highways" shall mean every highway constructed and/or surfaced of such material or combination of materials as to produce what is commonly known at the present time as "pavement" as distinguished from and not including such construction and or surfacing as is commonly known at the present time as "macadam" or "gravel."

Section 25. REGISTRATION OR LICENSE FEES FOR MOTOR VEHICLES.

Motor trucks, trailers and semitrailers equipped with one or more solid tires shall be based on the to-

tal tire width of such vehicles according to the following schedule:

	Motor Trucks	trailers and Semi- Trailers
Less than 14 in. and not over 14 in.	\$35.00	\$17.50
Over 14 in. and not over 17 in.	42.00	21.00
Over 17 in. and not over 22 in.	55.00	27.50
Over 22 in. and not over 26 in.	65.00	32.50
Over 26 in. and not over 30 in.	105.00	52.50
Over 30 in. and not over 36 in.	126.00	63.00
Over 36 in. and not over 40 in.	140.00	70.00

Section 27. LIMITING THE CONCENTRATED WEIGHT IN POUNDS ON EACH AXLE OR VEHICLE.

(b) On any vehicle having a total tire width of thirty inches and more than thirty inches the concentrated weight in pounds bearing on the surface of the highway at contact with the tread of the two wheels of any one axle of such vehicle shall not exceed the product of the sum of the tire widths of the two wheels of such axle multiplied by six hundred (600).

Section 29. LIMITING RATES OF SPEED OF VEHICLES AND MOTOR TRUCKS.

(b) All other motor vehicles, including trucks. When the total tire width is—

	Miles per Hour When Equipped With	
	Pneumatic Tires	Solid Tires
Not over 14 inches	25	30
Over 14 in. and not over 16 in.	20	25
Over 16 in. and not over 22 in.	15	22
Over 22 in. and not over 30 in.	16	20
Over 30 in.	12	18

Section 33. LIMITING THE COMBINED WEIGHT OF ANYTHING MOVING OVER THE HIGHWAYS OF THE STATE.—No vehicle, motor vehicle, motor truck, device or thing having a combined weight in excess of twenty-two thousand (22,000) pounds at contact of the four wheels of any such vehicle with the surface of the highway, or a combined weight of more than seventeen thousand six hundred (17,600) pounds at contact of the two wheels of any one axle of any such vehicle, or of a combined weight of more than twenty-two thousand (22,000) pounds if a device not equipped with wheels, shall be moved over or upon any highway of this state without the written permission of the state highway commission if a state highway, or of the state highway commission and the county court of the county in which such road is located, if a county road. (Laws 1921, Special Session, Chap. 8, Sec. 7.)

Section 35. HIGHWAY COMMISSION AND COUNTY COURT MAY GRANT SPECIAL PERMITS.—Upon receipt of an application for permission to move over any highways of this state, any vehicle, article, property, or thing having a combined weight in excess of twenty-two thousand (22,000) pounds, the state highway commission, in case of state highways, or the county court, in case of county roads, to whom such application may be made, shall investigate the representations made in said application and, if in the judgment of said state highway commission, in case of state highways, or of such county court, in case of county roads, the interest of the public will be served by the proposed movement, the state highway commission or such county court, as the case may be, may grant written permission for such movement, which shall include such terms, rules, stipulations and conditions as said commission or said court, as the case may be, may deem to be necessary or desirable for the protection of the highways and of the public interest; provided, however, that in every such case the state highway commission or the county court, as the case may be, shall require the ap-

plicant for such permit to furnish a good and sufficient bond or indemnity for any damage to the highways that may be caused by such movement. Said bond shall be in such amount as the state highway commission or the county court, as the case may be, may deem necessary for the full protection of the public interest and shall be filed with the commission or court, as the case may be, granting authority or permission, as the case may be. No movement of any such vehicle, device or thing shall begin until said permission has been granted and the required bond has been filed and accepted by the highway commission or the county court, as the case may be. The highway commission or the county court, as the case may be, may in its discretion, appoint one of its officers or agents to be present at and during the movement, but the presence of such officer or agent, or any interference or suggestions offered or made by such agent, shall not be deemed to be supervision of the movement, or in any manner to relieve the party to whom such permit has been granted, or the sureties on said bond, from sole responsibility for every damage that may be done by such movement; provided, however, that if in the opinion of said officer or agent of said highway commission or county court, as the case may be, the terms, rules, stipulations and conditions of the permit granted for such movement are not being complied with, such agent may [be], and he is hereby, authorized to order such movement to be forthwith stopped. (Laws 1921, Special Session, Chap. 8, Sec. 9.)

Section 36. THE STATE HIGHWAY COMMISSION AND COUNTY COURTS MAY LIMIT WEIGHTS AND SPEEDS AND CLOSE HIGHWAYS.—Whenever the highway commission or any county court or board of county commissioners of any county of this state shall find that any public highways of the state or section thereof is being damaged by reason of being subjected to any particular kind or character of traffic, or shall find that, in the judgment of the state highway commission or of any coun-

ty court or board of county commissioners of any county of this state, it would be for the best interests of the state or county and for the protection from undue damages of any highway or highways or of any section or sections thereof and, with respect to such highways or any sections thereof, to reduce the maximum weights and speeds in this act provided for vehicles moving over or upon the highways of this state, or if, in the judgment of the state highway commission or of any county court or board of county commissioners of any county of this state, it would be for the best interests of the state or of the county and for the protection from undue damage of any highway or highways or of any sections thereof to close such highway or highways or any sections thereof for any or all traffic or for any particular class of traffic, or for the moving thereon of any kind, size or weight of vehicles or any kind of commodity, freight or thing, then, in that event, the state highway commission or the county court or board of county commissioners of any county may, and is hereby authorized and empowered to, determine and fix the reduced weights and speeds, which shall be the maximum weights and speeds for vehicles or things moving over such highway or highways or any sections thereof, and or to prohibit the use of such highway or highways or any section or sections thereof for moving thereon any kind, size or weight of vehicle or any kind of commodity, freight or thing, for such period or periods of time as, in the judgment of said state highway commission or county court or board of county commissioners, will be for the best interest of the state or county; provided, that the authority herein granted shall not authorize the closing of any road or section thereof to the movement or transportation thereover of products of the soil by persons having no other road or highway upon which to travel, but the hauling of such products over such highway shall be subject to the rules and regulations of the county court, board of county commissioners of any county of the state or the state highway commission, as the case may be. This proviso, however, does not apply when

it becomes necessary to close any road during construction. The highway commission or any county court or board of county commissioners of the respective counties of this state may make and include in such order any rule or regulation not inconsistent with the foregoing provisions and authority for the preservation and protection of any public highway or section thereof, and any violation of any of the rules, regulations, terms, conditions or provisions of said order shall be deemed a violation of the provisions of chapter 371, General Laws of Oregon, 1921, as amended by chapter 8, General Laws of Oregon, 1921, and any person or corporation who violates any of the said provisions or any part of said order shall, upon conviction thereof, or upon entering a plea of guilty, be punished by a fine of not to exceed \$400 or by imprisonment in the county jail for not to exceed one year, or by both such fine and imprisonment in the discretion of the court. The state highway commission or the county court or board of county commissioners, as the case may be, shall post a notice in a conspicuous manner and place, so it can be readily seen and read, at each end of any highway or section thereof, for which limitations of traffic, as in this section provided, have been determined and fixed. Such notice shall state plainly the limitations or prohibitions of traffic determined and fixed; provided, that the authority granted in this section to the county courts or boards of county commissioners shall be limited to county roads and shall not extend to state highways over which the state highway commission is hereby granted exclusive control, and the said authority granted in this section to the state highway commission shall, as to said commission, be limited to state highways only. (Laws 1921, Special Session, Chap. 8, Sec. 10; Laws 1923, Chap. 145, Sec. 1.)

Section 36-A. LIABILITY FOR DAMAGE TO HIGHWAYS.—Any person using the highways or bridges of this state in violation of any of the provisions of this act shall, in case such highway or bridge so used be a state highway or bridge, or in case

such highway or bridge so used be a county highway or bridge, be liable to the state or to the county, as the case may be, for all damage done to said highways or bridges by virtue of said violations. (Laws 1921, Special Session, Chap. 8, Sec. 11.)

Section 40. POWER TO ARREST; IMMEDIATE TRIAL; PROCEDURE.—Any police officer of any city, any marshal, deputy marshal or watchman of any incorporated town, or any sheriff or deputy sheriff of any county, or any constable of any district, shall have full power and authority within the limits of their jurisdiction, or as hereinafter provided, to arrest any person or persons known personally to any such officer to have violated any of the provisions of this act, and to immediately bring such offenders before any magistrate having jurisdiction, and any such persons so arrested shall have the right to an immediate trial and all other rights given to any person arrested for having committed a misdemeanor; and if such hearing can not then be had, be released from custody on giving his personal undertaking to appear in answer to such violations at such time and place as shall be indicated, secured by the deposit of a sum equal to the maximum penalty for the offense charged, or in lieu thereof by leaving the vehicle being operated by such person with such officer or in case such officer be not accessible, be forthwith released from custody on giving his name and address to the officer making such arrest and depositing with such officer a sum equal to the maximum fine for the offense for which such arrest is made, or in lieu thereof by leaving the vehicle being operated by such person with such officer; provided, that in such case the officer making such arrest shall give a receipt in writing for such sum or vehicle and notify such person to appear before the most accessible magistrate, naming him, on that or the following day, specifying the place and hour. In case security shall be deposited as in this section provided, it shall be returned to the person forthwith on such person being admitted to bail.

Section 41. PENALTIES FOR VIOLATIONS.

—Any person who violates any of the provisions of this act or who fails to provide himself with the proper limit, license or licenses prescribed herein, shall, upon conviction thereof, or upon entering a plea of guilty to a complaint or indictment charging him with violation of any of the provisions of this act, unless otherwise provided in this act, be punished by a fine of not to exceed four hundred dollars (\$400), or by imprisonment in the county jail not to exceed one year, or by both such fine and imprisonment, in the discretion of the court. The court before whom such conviction may be had, may also, in its discretion, and as a part of the punishment for a violation of this act, suspend, for a period not to exceed one year, the license or permit of the person so convicted. Justices of peace and district judges are hereby given concurrent jurisdiction with circuit courts to try and dispose of violations of the provisions of this act.

Local magistrates, within their respective jurisdictions, are also hereby given the power to permanently revoke any license referred to herein, upon conviction of the licensee of a violation of any city ordinance having for its purpose the regulations of traffic or the operation of motor vehicles, when such ordinance is not inconsistent with the provisions of this act.

